

MEMORANDUM

To: Northern Beaches Local Planning Panel

From: Peter Robinson, Executive Manager, Development Assessment

Date: 3 March 2020

Subject: Item 3.6 - DA2019/1173 - 3 Berith Street, Wheeler Heights – Issues raised by Dot Waterhouse

Record Number: 2020/128919

Dear Panel Members,

Council received by email on 2 March 2020 a submission by resident Dot Waterhouse raising issues of a procedural nature and requesting that the above application not be heard at today's meeting. A separate memo was sent to the LPP members that same day advising of the deferral request.

Please find a response to each of the issues that has been raised by Ms Waterhouse. A full copy of Ms Waterhouse's submission is attached to this memo.

*1. the **incomplete and incorrect Assessment Report** provided by Council*


Officer Response:

The published online version of the assessment report contained a format issue that prevented a small part of the report from being properly viewed on the Council website. The issue affected part of text found on pages 21, 22, and 23 of the report. This problem was corrected at the time of identification on 2 March 2020. The missing text is not considered to have prejudiced either the submitters or the applicant in their understanding of the issues such that deferral of the meeting for this reason is warranted.

2. Unclear which are the 'Approved Plans' to be put before the panel

Officer Response:

The plans referenced in the draft notice of determination (condition 2) accompanying the assessment report are the correct plans. Ms Waterhouse has identified that plans registered by Council in December 2019 are described as 'amended plans' and it is not clear what amendments were made. These plans appear in the online application tracking tool with the following precis:

 Plans - External - Amended - December 2019	09/12/2019
--	------------

During the assessment of the application, the applicant was required to demonstrate the impact of shadowing on the neighbouring dwelling to the south. Additional shadow drawings dated 1 December 2019 were submitted and registered in the file on 9

December 2019. Although there were no changes to the architectural plans, the submitted shadow drawings and the originally lodged external architectural drawings were registered as a single set of 'amended' plans and this has caused confusion.

The applicant has advised that the only plan amendments made during the assessment were to provide additional shadow diagrams. The assessing officer confirms this also, and has undertaken a comparative check of the plans registered in December with those originally lodged and exhibited, such that Council is satisfied that the external architectural plans referenced in the draft notice of determination are correct and the same as those notified to the community. This administrative circumstance has been explained to Ms Waterhouse.

3. P73 Landscape Plan - missing report

Officer Response:

We understand Ms Waterhouse expected to see the Arborist report listed with the Landscape Plans. The Arborist Report prepared by Ross Jackson and dated 12 June 2019 is correctly referenced in the draft conditions of consent in a table titled **"Reports/Documentation – All recommendations and requirements contained within:"**

The Landscape Plan and Landscape Detail and Specification dated 10 September 2018 are the correct landscape plans. No amendments have been made to these plans.

4. Also missing from the Assessment Report are the correct list of Adjoining property owners to 3 Berith St Wheeler Heights.

Officer Response:

There is no information missing from the assessment report in relation to adjoining owners. Ms Waterhouse's concern relates to conditions requiring the giving of notice of asbestos removal, rock breaking activities and permission for fencing replacement referring to 'adjoining owners'. Ms Waterhouse believes these conditions should reference the specific properties rather than referring to 'adjoining owners'. Council Officers have no objection to that position and have provided a separate memo to the panel outlining those requested changes, should the Panel agree with this approach.

The draft conditions identify dilapidation survey/reports being required for No.s 1 and 5 Berith Street. Ms Waterhouse has requested that this condition be amended to include all adjoining owners. Council Officers do not agree that this is reasonable, and have provided reasoning within the separate memo for the Panels consideration.

5. a number of residents who had provided submissions on DA2019/1173, who have not received Council's notification of the Panel hearing,

Officer Response:

Council's business administration team confirm that notice of the 4 March LPP meeting was given for this matter on Wednesday 26th February in accordance with the established procedures, and included notice to all submitters. This comprised notification of residents by email or post, depending on how the submissions were received. Recent discussions with Ms Waterhouse indicate that some residents may

not have had power restored to their homes after recent storms at the time email notification occurred, which may explain why email notification may not have been received. Ms Waterhouse was unable to identify which residents were potentially affected.

6. *the shortness of notice - 4 business days, for those who did receive the incomplete and incorrect Assessment Report. Expected notification period would be at least the required 7 business days.*

Officer Response:

Notice of the 4 March LPP meeting to the applicant and all submitters has been given in accordance with the established procedures requiring 7 calendar days notice. The assessment report is not incorrect and the formatting issue was corrected immediately it was identified.

Staff from the DA team contacted Ms Waterhouse on Monday 2 March and Tuesday 3 March 2020 and the above information has been explained in detail to her.

A handwritten signature in black ink, appearing to read 'Peter Robinson', with a stylized, cursive script.

Peter Robinson
Executive Manager, Development Assessment